THE HYDERABAD PRISONERS ACT, 1954.

No. XXV of 1954

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*THE HYDERABAD PRISONERS ACT, 1954.

No. XXV of 1954.

An Act to make certain provisions relating to prisoners confined by order of a Court in the State of Hyderabad.

Whereas it is expedient to make certain provisions relating to prisoners confined by order of a Court in the State of Hyderabad. Preamble.

Be it enacted in the Fifth Year of Our Republic as follows :—

PART I

Preliminary

1. (1) This Act may be called the Hyderabad Prisoners Act, 1954. Short title, extent and commencement.

(2) It extends to the whole of the State of Hyderabad.

(3) It shall come into force from such date as Government may by notification in the Jarida appoint in this behalf.

2. In this Act unless there is anything repugnant in the subject or context,— Definitions.

(*a*) "Court" includes a Coroner and any officer lawfully exercising civil, criminal or revenue jurisdiction;

(*b*) "Prison" includes any place which has been declared by the Government by general or special order, to be a subsidiary jail.

PART II

General

3. The officer in charge of a prison shall receive and detain all persons duly committed to his custody, under this Act or otherwise, by any court, according to the exigency of any writ, warrant or order by which such person has been committed, until such person is discharged or removed in due course of law. Officers-in-charge of prisons to detain persons duly committed to their custody.

* Published in Gazette Extraordinary No. (165) dated 23rd September, 1954.

Officers-in-charge of prisons to return writs, etc., after execution or discharge.

4. The officer in charge of a prison shall forthwith, after the execution of every such writ, order or warrant as aforesaid other than a warrant of commitment for trial, or after the discharge of the person committed thereby, return such writ, order or warrant to the Court by which the same was issued or made, together with a certificate, endorsed thereon and signed by him, showing how the same has been executed, or why the person committed thereby has been discharged from custody before the execution thereof.

PART III

Execution of Sentences of Prisoners

References in this Part to prisons etc., to be construed as referring also to Certified Schools established under the Hyderabad Children Act, 1951.

5. In this Part all references to prisons or to imprisonment or confinement shall be construed as referring also to Certified Schools established under the Hyderabad Children Act, 1951, or to detention therein.

Power for Officers in charge of prisons to give effect to sentences of certain Courts.

6. Officers in charge of prisons in the State may give effect to any sentence or order or warrant for the detention of any person passed or issued by any court or tribunal acting, whether within or without the State, under the general or special authority of the Central Government or of any State Government in India.

Warrant of Officer of such Court to be sufficient authority.

7. A warrant under the official signature of an officer of such Court or tribunal as is referred to in section 6 shall be sufficient authority for holding any person in confinement, or for sending any person for transportation, in pursuance of the sentence passed upon him.

Procedure where officer in charge of prison doubts the legality of warrant sent to him for execution under this part.

8. (1) Where an officer in charge of a prison doubts the legality of a warrant or order sent to him for execution under this Part, or the competency of the person whose official seal or signature is affixed thereto to pass the sentence and issue the warrant or order, he shall refer the matter to the Government by whose order on the case he and all other public officers shall be guided as to the future disposal of the prisoner.

(2) Pending a reference made under sub-section (1), the prisoner shall be detained in such manner and with such restrictions or mitigations as may be specified in the warrant or order.

PART IV

Removal of Prisoners.

References in this Part to prisons, etc., to be construed as references also to certified Schools established under the Hyderabad Children Act, 1951.

9. In this Part, all references to prisons or to imprisonment or confinement shall be construed as referring also to certified Schools established under the Hyderabad Children Act, 1951, or to detention therein.

Removal of prisoners.

10. (1) Government may, by general or special order, provide for the removal of any prisoner confined in a prison :–

(*a*) under sentence of death, or

(*b*) under, or in lieu of, a sentence of imprisonment or transportation, or

(*c*) in default of payment of a fine, or

(*d*) in default of giving security for keeping the peace or for maintaining good behaviour, to any other prison in the State of Hyderabad.

(2) Subject to the orders, and under the control of the Government the Inspector-General of Prisons may, in like manner, provide for the removal of any prisoner confined as aforesaid in a prison in the State of Hyderabad to any other prison in the State.

Lunatic prisoners how to be dealt with.

11. (1) Where it appears to the Government that any person detained or imprisoned under any order or sentence of any Court is of unsound mind, the Government may, by a warrant setting forth the grounds of belief that the person is of unsound mind, order his removal to a Mental Hospital or other place of safe custody within the State of Hyderabad, there to be kept and treated as the Government directs during the remainder of the term for which he has been ordered or sentenced to be detained or imprisoned or, if on the expiration of that term it is certified by a medical officer that it is necessary for the safety of the prisoner or others that he should be further detained under medical care or treatment then until he is discharged according to law.

(2) Where it appears to the Government that the prisoner has become of sound mind, the Government shall, by a warrant directed to the person having charge of the prisoner, if still liable to be kept in custody, remand him to the prison from which he was removed, or to another prison within the State of Hyderabad or, if the prisoner is no longer liable to be kept in custody order him to be discharged.

(3) The provisions of the Indian Lunacy Act, 1912, so far as they can be made applicable, shall apply to every person confined in a lunatic asylum under sub-section (1) after the expiration of the term for which he was ordered or sentenced to be detained or imprisoned; and the time during which a prisoner is confined in a lunatic asylum under that sub-section shall be reckoned as part of the term of detention or imprisonment which he may have been ordered or sentenced by the Court to undergo.

(4) In any case in which the Government is competent under sub-section (1) to order the removal of a prisoner to lunatic asylum or other place of safe custody within the State of Hyderabad, the Government may order his removal to any such asylum or place in any other State by agreement with the Government of such other State; and the provisions of this section respecting the custody, detention, remand and discharge of a prisoner removed under sub-section (1) shall, so far as they can be made applicable apply to a prisoner removed under this sub-section.

PART V

Persons under sentence of Transportation.

Appointment of places for confinement of persons under sentence of transportation and removal thereto.

12. (1) Government may appoint places within the State of Hyderabad to which persons under sentence of transportation shall be sent; and the Government, or some officer duly authorised in this behalf by the Government, shall give orders for the removal of such persons to the places so appointed, except when sentence of transportation is passed on a person already undergoing transportation under a sentence previously passed for another offence.

(2) In any case in which the Government is competent under sub-section (1) to appoint places within the State and to order the removal thereto of persons under sentence of transportation, the Government may appoint such places in any

other State by agreement with the Government of that State, and may by like agreement give orders or duly authorise some officer to give orders for the removal thereto of such persons.

PART VI

Discharge of Prisoners.

13. The High Court may in any case in which it has recommended to Government the granting of a free pardon to any prisoner, permit him to be at liberty on his own recognizance.

Release on recognizance by order of High Court, of prisoner recommended for pardon.